

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

CHARLES ROBINSON,)
vs. Plaintiff,) Case Number CIV-07-236-C
MARY BETH CARNEY, R.N., and)
NURSE WILLS.,)
Defendants.)

O R D E R

This matter is before the Court on the Report and Recommendation (“R&R”) (Dkt. No. 12) entered by Magistrate Judge Bacharach on April 20, 2007. Therein, Judge Bacharach recommended dismissal of Plaintiff’s request for a Temporary Restraining Order for failure to provide notice to the Defendants. Upon *de novo* review, the Court agrees with Judge Bacharach that the request for a Temporary Restraining Order filed by Plaintiff fails to demonstrate it was served on either Defendant. However, in his objection to the R&R, Plaintiff argues that he has in fact served the Defendants with a copy of the request. Considering Plaintiff’s *pro se* status, the Court will accept Plaintiff’s assertion. For future reference, Plaintiff is advised to review Fed. R. Civ. P. 5 and LCvR 5.5(b) regarding the necessity of proof of service appearing on any filed document.

For the reasons set forth herein, the Court, at this time, declines to adopt the Report and Recommendation of Judge Bacharach and again refers this matter to Judge Bacharach

for further proceedings consistent with the provisions of the February 27, 2007, Order of Referral.

IT IS SO ORDERED this 15th day of May, 2007.



ROBIN J. CAUTHRON
United States District Judge